

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

In re:

Bed Bath & Beyond Inc.,  
Debtor.

Civil Action No. 23-20787 (MEF)

**ORDER**

Neelay Das, et al,

Appellants,

v.

Bed Bath & Beyond Inc., et al,  
Appellees.

**Michael E. Farbiarz, U.S.D.J.**

On September 29, 2023, Appellants filed a notice of appeal of a September 14, 2023 Order entered by the Honorable Michael B. Kaplan, United States Bankruptcy Judge. D.E. 1; and it

**APPEARING** that pursuant to Federal Rule of Bankruptcy Procedure 8009, within 14 days of a notice of appeal as of right being filed, an appellant must file a designation of items to be included in the record on appeal and a statement of the issues to be presented. Fed. R. Bankr. P. 8009(a); and it further

**APPEARING** that on November 7, 2023, the Deputy Clerk of the United States Bankruptcy Court for the District of New Jersey entered a certification of failure to file a designation of record in this matter. D.E. 2; and it further

**APPEARING** that to date, Appellants have not filed a designation of record in this matter, nor applied for an extension of time to do so; and it further

**APPEARING** that “[a]n appellant’s failure to take any step other than the timely filing of a notice of appeal [as of right] does not affect the validity of the appeal, but is ground only for the district court . . . to act as it considers appropriate, including dismissing the appeal.” Fed. R. Bankr. P. 8003(a)(2).

Therefore, for the foregoing reasons, and for good cause shown,

IT IS on this 8th day of November 2023,

**ORDERED** that Appellants must file a designation of record, or seek leave for an extension of time to do so, by December 5, 2023; and it is further

**ORDERED** that the Clerk of the Court shall serve this Order upon Appellants by regular and certified mail return receipt.

The Appellants shall take notice: if they do not comply with the December 5 deadline set out above, the Court may dismiss this case.



Michael E. Farbiarz, U.S.D.J.